IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE NINTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.17619 OF 2005

Between:

Konda Musalaiah … Petitioner

Versus

The District Collector, Ongole,

Prakasam district & Anr. … Respondents

Counsel for the Petitioner : Mr.V.MALLIK

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R :

This writ petition is filed seeking mandamus to declare the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner in an extent of Acs:4-71 cents in survey no.1308/4 and in an extent of Acs:0-27 cents in survey no.1311/2 situate in Kothapalem village of Podili Revenue Mandal, Prakasam district, as illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India.

The petitioner submits that he was granted assignment in survey nos. 1308/4 and 1311/2 in an extent of Acs:4-71 and Ac:0-27 cents during the year 1964 by the Tahsildar, Podili and as he was granted Ryotwari Passbook. Thereafter, he got dug a borewell in the schedule land in 1992 and erected an electric motor. The petitioner is paying land revenue to the Government and cultivating the same.

While things stood thus, the second respondent in order to help some third parties is frequently interfering with his possession and enjoyment over the said extents of land, proclaiming that he would cancel the alienation and resort to eviction of the

petitioner. Thereupon the petitioner got issued a telegraphic notice to the respondents requesting them not to disturb his possession over the said extents of land but the respondents are continuing the same. Therefore, apprehending danger of dispossession from the said land, the petitioner filed the present writ petition seeking a direction to the respondents not to interfere with his possession and enjoyment over the said land, as he got five daughters and solely depend on the schedule land for sustenance of livelihood of his family and moreover there is a paddy crop.

Considering the facts and circumstances, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to interfere or dispossess the petitioner over an extent of Acs:4-71 cents in survey no.1308/4 and also an extent of Acs:0-27 cents in survey no.1311/2 situate in Kothapalem village of Podili Revenue Mandal, Prakasam district, as he was granted assignment in survey nos. 1308/4 and 1311/2 in an extent of Acs:4-71 and Ac:0-27 cents during the year 1964 by the Tahsildar, Podili and also Ryotwari Passbook, without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 09th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.